

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

New York Field Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

1

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Revised 12/21/2011

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

**ENFORCEMENT AND REMOVAL OPERATIONS
NEW YORK FIELD OFFICE**

Operation Cross Check

Dates: 8/8, 8/9, 8/10, 8/11, and 8/12/2016

I. Situation

The objective of Operation "Cross Check" is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the New York Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (180)

180 aliens have been identified and will be targeted during this operation. **These targets have been reviewed and approved by the AFOD.** The targets are comprised of aliens found within the three tier system of priorities for fugitive operations, which includes ICE fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the prosecutorial guidelines, appropriate charging and detention decisions should be made on a case by case basis. **(See attached Excel spreadsheet for target list.)**

B) Hours of Operation

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Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case and given approval based on specific justification for each case (**see attachment**). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The New York Fugitive Operations Team(s) will conduct the operation with support from other resources from the New York Enforcement and Removal Operations (ERO) Office, as well as other Law Enforcement Agencies (LEAs). The FOD has committed all necessary resources within their jurisdiction. (**See attached Excel spreadsheet for Team and LEA breakdown**)

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have agreed to participate. No additional request for assistance was made by ERO. (b)(7)(E)

(b)(7)(E)

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival. If this is impractical, then affected agencies should be notified as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to

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provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation, as is the case with national operations. **(List locations and targets here)**

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters

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with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(There are no juveniles on the target list.)**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation.

NYC Administration for Children Services

150 William Street
New York, NY 10038
800-635-1522.

Suffolk County Administration for Children Services

3455 Veterans Memorial Highway
Ronkonkoma, New York 11779
631-854-9429

Nassau County Administration for Children Services

60 Charles Lindberg Blvd.
Uniondale, New York 11553
516-227-8133

Westchester County Administration for Children Services

112 East Post Road
White Plains, New York 10601
914-995-5330

Ulster County Administration for Children Services

1091 Development Court
Kingston, New York 12401
845-334-5400

Rockland County Administration for Children Services

11 New Hempstead Road

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New City, New York 10956
800-635-1522

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247 Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).

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- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE’s ability to arrest and remove these aliens from the United States.

Operation “Cross Check” is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the New York Field Office’s AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

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- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of 8 designated teams in the AOR. The teams will consist of members of the New York FOTs; the teams will also be assisted by Deportation Officers (DOs) from the Criminal Alien Program (CAP), detained and non-detained sections of New York ERO. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed

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appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of 5 days of enforcement activity being executed throughout the New York AOR from August 8, 2016, through August 12, 2016.

- August 8, 2016 to August 12, 2016: Officers from the New York FOTs will deploy throughout the New York area to initiate arrests at residences and places of employment.
- August 12, 2016: If advisable, the New York ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-6020.
3. Detention Operations Coordination Center (DOCC): Detention space is limited or suitable within the New York AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. **The DOCC has been provided a copy of this Operational Plan and their assistance was requested, the DOCC has concurred with the operation and will be providing the following assistance.**

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

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1. All participating officers will be fully equipped with (b)(7)(E)
(b)(7)(E)
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. (b)(7)(E)
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to New York Field Office for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the New York FOD.
2. Lodging and per diem: Lodging and per diem expenses will not be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.)**
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the New York Field Office for initial processing. All files will be reviewed by the

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Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.

- No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
- b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
- c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. The OPLA/OCC in New York and EOIR/NY have been advised and contacted as to the availability to approve stipulated removals during the operation.
- d. FOTs will not target non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's over-arching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised consistent with all established guidelines and with supervisory oversight. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

ISAP

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C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

Quality Assurance: An officer, and support staff as needed, who are not involved with the operation will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly stated to be not validated and subject to change.

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that the FCMS is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by close of business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on August 15, 2016 at the New York Field Office.

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2. Format: The format for issues will be:
3.
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. (b)(6), (b)(7)(C) ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. Public Affairs contact number 646-313-2716.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

Local

(a)AFOD	(b)(6), (b)(7)(C)	646-488-	(b)(6), (b)(7)(C)
SDDO	(b)(6), (b)(7)(C)	646-852-	
SDDO		646-488-	
SDDO		347-582-	
SDDO		646-201-	
SDDO		347-582-	
SDDO		347-996-	

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-6020
LESC POC:
FOSC POC:

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Christopher Shanahan
Field Office Director
New York Field Office

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List
Attachment 2: Other than normal operational hours justification
Attachment 3: Operational Support
Attachment 4: Supporting Agency Contact Information
Attachment 5: CPS Contact List
Attachment 6: Cost Estimate for HQ requested funds

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**ENFORCEMENT AND REMOVAL OPERATIONS
NEW YORK FIELD OFFICE**

**Operation Cross Check
Dates: 2/6, 2/7, 2/8, 2/9, and 2/10/2017**

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The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (100)

100 aliens have been identified and will be targeted during this operation. These targets have been reviewed and approved by the AFOD. The targets are comprised of aliens found within the three tier system of priorities for fugitive operations, which includes ICE fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the prosecutorial guidelines, appropriate charging and detention decisions should be made on a case by case basis. (See attached Excel spreadsheet for target list.)

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B) Hours of Operation

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D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have agreed to participate. No additional request for assistance was made by ERO. (b)(7)(E) (b)(7)(E)

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The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival. If this is

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impractical, then affected agencies should be notified as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation, as is the case with national operations. **(List locations and targets here)**

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In

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addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(There are no juveniles on the target list.)**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation.

NYC Administration for Children Services

150 William Street
New York, NY 10038
800-635-1522

Suffolk County Administration for Children Services

3455 Veterans Memorial Highway
Ronkonkoma, New York 11779
631-854-9429

Nassau County Administration for Children Services

60 Charles Lindberg Blvd.
Uniondale, New York 11553
516-227-8133

Westchester County Administration for Children Services

112 East Post Road
White Plains, New York 10601
914-995-5330

Ulster County Administration for Children Services

1091 Development Court
Kingston, New York 12401
845-334-5400

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Rockland County Administration for Children Services

11 New Hempstead Road
New City, New York 10956
800-635-1522

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247 Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.

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- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation “Cross Check” is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the New York Field Office's AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

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Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of 6 designated teams in the AOR. The teams will consist of members of the New York FOTs; the teams will also be assisted by Deportation Officers (DOs) from the Criminal Alien Program (CAP), detained and non-detained sections of New York ERO. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

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As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of 5 days of enforcement activity being executed throughout the New York AOR from February 6, 2017, through February 10, 2017.

- February 6, 2017 to February 10, 2017: Officers from the New York FOTs will deploy throughout the New York area to initiate arrests at residences and places of employment.
- February 13, 2017: If advisable, the New York ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-6020.
3. Detention Operations Coordination Center (DOCC): Detention space is limited or suitable within the New York AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. **The DOCC has been provided a copy of this Operational Plan and their assistance was requested, the DOCC has concurred with the operation and will be providing the following assistance.**

IV. Administration

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A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with (b)(7)(E) (b)(7)(E)
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
- (b)(7)(E)
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to New York Field Office for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the New York FOD.
2. Lodging and per diem: Lodging and per diem expenses will not be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.)**
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:

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- a. Once arrested, all detainees will be transported to the New York Field Office for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
- b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
- c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. The OPLA/OCC in New York and EOIR/NY have been advised and contacted as to the availability to approve stipulated removals during the operation.
- d. FOTs will not target non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised consistent with all established guidelines and with supervisory oversight. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.

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- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.
ISAP

C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

Quality Assurance: An officer, and support staff as needed, who are not involved with the operation will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly stated to be not validated and subject to change.

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that the FCMS is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by close of business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:

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- a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on February 13, 2017 at the New York Field Office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. Rachel Yong Yow, ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. Public Affairs contact number 646-313-2776.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

Local

(a)AFOD	(b)(6),(b)(7)(C)	646-852-	(b)(6),(b)(7)(C)
SDDO	(b)(6),(b)(7)(C)	646-488-	
SDDO		347-582-	
SDDO		646-488-	
SDDO		347-582-	
SDDO		347-996-	

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-6020
LESC POC:
FOSC POC:

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APPROVING OFFICIAL

Thomas Decker
Field Office Director
New York Field Office

ATTACHMENTS: (If applicable)

- Attachment 1: Complete Target List
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ requested funds

DISTRIBUTION:

HQ NFOP
FOSC
FOD
DFOD
Operations AFOD
DOCC

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Enforcement and Removal Operations

HQ Cross Check April 2017



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Headquarters-Approved Operation Plan

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**OPERATION HQ CROSS
CHECK MARCH 2017
Dates: April 1 – April 3, 2017**

I. Situation

The objective of HQ Cross Check April 2017 is to apply an organized, methodical approach to the identification, location, and arrest of at-large criminal aliens, primarily focused on aliens who: 1) were released due to non-honored detainers; 2) are public safety threats; or 3) are in violation of the Immigration and Nationality Act (INA). This operation will occur within the New York City Areas of Responsibility (AORs). Enforcement actions will be guided by the January 25, 2017 Executive Order entitled, *“Enhancing Public Safety in the Interior of the United States.”*

HQ Cross Check April 2017 will utilize the Fugitive Operations Teams (FOTs) located within the named AORs, Mobile Criminal Alien Teams (MCATs) from the surrounding areas, resources from the Criminal Alien Program (CAP), detained/non-detained units, Special Response Teams (SRTs), and agents from corresponding ICE Homeland Security Investigations (HSI) Special Agent in Charge (SAC) offices.

Prior to commencement of the operation, teams will evaluate lead information to identify at-large criminal aliens, aliens who were released due to non-honored detainers, and public safety threats. Target cases amenable to prosecution will be presented to Offices of the United States Attorneys (USAO) in pursuit of criminal arrest warrants including, but not limited to, 8 USC 1326 and 8 USC 1253. Field Offices should collaborate with U.S. Citizenship and Immigration Services to evaluate criminal alien case referrals for inclusion in the operation.

Upon approval of this operational plan, Field Office Directors (FODs) will:

- Collaborate with each USAO in their respective AORs to seek cooperation in obtaining criminal arrest warrants, indictments, and acceptance of prosecutions;
- Coordinate with corresponding SACs, as well as other federal, state, and local law enforcement agencies (LEAs) to encourage their participation in this operation;
- Coordinate with the United States Marshals Service (USMS) Regional Task Forces, local USMS task forces, and other law enforcement partners, and make arrangements with the USMS to ensure space requirements and coordinate initial appearances; and
- Consult local probation and parole offices in target development.

This operation will consist of four days of enforcement activity executed simultaneously across all participating field offices from April 1, 2017 – April 3, 2017.

The Executive Associate Director (EAD), Deputy Executive Associate Director, Assistant Director (AD) for Enforcement, and the FODs have been briefed on this operational plan and support its execution.

A) Targeted Aliens – (91)

FOTs will target approximately 91 at-large criminal aliens, aliens who were released due to non-honored detainers, and public safety threats within the NYC AOR and generate lists of such targets. Focus on targets may be subject to change based on Headquarters (HQ) operational directives, but subsequent changes relating to target focus and scope will not require a new operational plan.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation who are determined to be removable and found to be in violation of the INA. Appropriate charging and detention decisions should be made consistent with the January 25, 2017 Executive Order entitled, *Enhancing Public Safety in the Interior of the United States*.

(See Attachment 1, Complete Target List.)

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct pre-operational surveillance as resources permit. While the operational hours for conducting arrests will be from 6:00 AM to 10:00 PM local time, the team leader(s) will determine the actual duty hours within these timeframes. No operation will begin prior to 6:00 AM or after 10:00 PM, unless the FOD has reviewed the case and given approval based on specific case justifications. However, no approval will be provided to attempt entry into a residence prior to 6:00 AM or after 10:00 PM.

(See Attachment 2, Other than Normal Hours Justification.)

All activities will be conducted pursuant to ICE, ERO, and National Fugitive Operations Program (NFOP) policies and procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation.

If a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets and/or conducting additional casework related to identified targets.

C) Local Situation

The FOTs will conduct the operation with other resources from local CAP and detained/non-detained units, as well as from local law enforcement agencies (LEAs).

(See Attachment 3, Operational Support.)

D) Operational De-Confliction

Target lists will be de-conflicted prior to submitting to HQ. Each FOD will inform his/her respective HSI SAC of the operation and offer them the opportunity to participate.

E) LEAs

At FOD discretion, local LEAs may or may not be notified prior to the execution of this operation plan as operational security will be critical to its success. The standard operating procedures for local LEAs will vary from location to location and should be established through proactive liaison. During the arrest phase, LEAs should be notified of enforcement activities as appropriate. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival or, if such notification is not possible, as soon as practicable thereafter. In the presence of exigent circumstances, it may be prudent to not provide notification of impending fugitive operations within each jurisdiction.

F) Sensitive Locations and 4th Amendment

Officers should be cognitive of operations conducted near a potential sensitive location, and minimize any disruption to activities at sensitive locations. Officers should be aware of their surroundings and act as if they are being recorded at all times.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by their respective Office of Chief Counsel (OCC) prior to the operation, as is the case with national operations. During the pre-operational briefing, OCC will provide a 4th Amendment overview.

G) Community or Politically Sensitive Issues

HQ ERO will provide the ICE Offices of Public Affairs (OPA) and Congressional

Relations (OCR) with the specifics of the operation, including the operation dates and locations. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the AD for Field Operations. **No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.**

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance, and diligent research of available indices, to the extent possible.

In the event that minors are identified, or likely to be encountered, family members, care providers, and community officials, as well as state and county juvenile resources, will be identified and a plan of care for juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Such enforcement activity will be conducted consistent with the requirements of ICE Policy No. 11064.1: *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* dated August 23, 2013.

Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible.

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee Resettlement (ORR) must be notified at (202) 401-5709 upon completion of processing.

In the event that an unaccompanied juvenile is present, and their presence was not anticipated during operational enforcement activities, the FOT Supervisory Detention and Deportation Officer (SDDO) and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues (i.e., Child Protective Services (CPS)). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate contact numbers, to be used as necessary throughout the entirety of the operation.

(See Attachment 4, Supporting Agency Contact Information.)

Whenever possible, juveniles will be placed in the care of immediate family members

who have no ascertainable criminal history. If there are no other options, primary care providers who have no ascertainable criminal record, *may* be placed on an Order of Supervision or Order of Release on Recognizance, as appropriate, with SDDO/Assistant Field Office Director (AFOD) approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the USAO/State Attorney's Office as appropriate. If the case is accepted for prosecution, an immigration detainer will be filed with the agency assuming custody of the alien. If the USAO/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the Form I-213 and included in the file.

J) Gangs

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the Form I-213 and photos will be forwarded to the local gang/intel officer for notification to HSI.

ICE Definitions of Gang Member and Gang Associate

Gang Member: Anyone who admits gang affiliation, convicted of violations associated with 18 U.S.C. § 521 or any other federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members. (If the most recent arrest occurred in the past five years, the "previous five years" requirement is deemed to have been met.)
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.

- Subject has been identified as a gang member through documented reasonable suspicion.

Associate Gang Member: An individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of immigration laws and border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations and Training Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and locate these aliens for removal from the United States.

III. Execution

A) Concept of Operations

The operation will consist of multiple FOTs, and MCATs, along with SRTs and resources and personnel from the affected AORs. The teams will consist of members of the FOTs who will also be assisted by Deportation Officers (DOs) from CAP detained and non-detained sections. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for use during this operation.

Throughout the course of this operation, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. If operationally feasible to do so, liaison will be established with LEAs in the areas in which enforcement efforts will be conducted.

This operation will consist of three days of enforcement activities, April 1, 2017 – April 3, 2017. **No press release will be issued without the prior approval of the ERO EAD.**

B) Tasks

1. Field Offices: Send a copy of the operation plan and target list to NFOP via the HQERO, FUGOPS mailbox. Submissions must include the operation plan, signed FOD signature page, target list, and personnel breakdown, along with any additional attachments.
2. FODs: Each FOD will be responsible for identifying suitable detention space within each AOR. Should additional detention resources be required, the FOD will coordinate with HQ/Field Operations.
3. The Law Enforcement Support Center (LESC) is available 24 hours per day, seven days per week and will provide support to FOTs conducting operations. All officers participating in the operation should have the contact number for the LESC ((802) 872-6020). When calling the LESC, officers should be prepared to provide their LESC officer ID number.
4. NFOP: Prior to the operation, NFOP will provide HQ/Field Operations with a copy of the approved operation plan.

IV. Administration

A) Safety

Mandatory element: **Safety is paramount.**

1. All participating officers/agents will be fully equipped with (b)(7)(C) (b)(7)(E)
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. (b)(7)(E)

B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing.

- a. Secondary detention and processing sites will be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the FOT AFOD with concurrence from the appropriate FODs.
2. Lodging and per diem: Lodging and per diem expense requests will be reviewed on a case by case basis for this operation.
3. To facilitate efficient removal efforts that uphold immigration law:
 - a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the FOT team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health and safety inspection is required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any arrests that require a Notice to appear will be presented with the option of a stipulated removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. To the extent possible, FODs will work with their OCC and the Executive Office of Immigration Review to ensure their availability to approve stipulated removals during the operation.

FOTs will not *target* aliens outside the scope of HQ Cross Check April 2017, although other removable aliens falling within the January 25, 2017 Executive Order entitled, “*Enhancing Public Safety in the Interior of the United States*” may be arrested.
 - d. Prosecutorial discretion in immigration enforcement matters may be exercised with supervisory oversight by ICE officers. This applies at all levels during the execution of the operation and could be applied during

Law Enforcement Sensitive-Official Use Only

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the pre-arrest, arrest, and custody phase. Nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.

- e. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel.

C) General Reporting Requirements

1. Daily reports must be submitted to the NFOP via the HQERO, FUGOPS mailbox utilizing the HQ approved Daily Arrest Report. Reports will be submitted once a day by 3:00 PM EST for the day's activities up to the time of submission of the report.
2. ALL EAGLE entries pursuant to this operation will use "HQ Cross Check April 2017" in the operational dropdown on the initial event screen.
3. ALL Operations Management Module (OM2) entries pursuant to this operation will use "HQ Cross Check April 2017" in the operational dropdown on the arrest screen.
4. At the conclusion of daily operations, each team leader will ensure that the OM2 is properly updated with all FOT arrests and that these arrests are validated in EAGLE.
5. Quality Assurance: An officer(s), and support staff as needed, not involved with the operation will review target files against the daily report to ensure the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly identified as not validated and subject to change.
6. Weekly Reports: Standard HQ FUGOPS reporting via OM2.
7. Significant Event Notification (SEN): A SEN/Significant Incident Report//Significant Proposed Enforcement Activity Report will only need to be submitted if events or incidents occur that warrant their generation in accordance with established policies and procedures.

D) After-Action Reporting Requirements

1. Field offices should conduct an after-action briefing as soon as practicable after completion of the operation and before the after-action conference.

2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. The HQ ICE Office of Public Affairs will coordinate with the AD for Enforcement and generate a press release upon completion of the operation.

V. Command and Control

Primary means of communication will be via radio, telephone, and E-mail.

General Contact Numbers:

- Emergencies: 911
- Sector: 1-800-X-SECTOR (973-2867)
- INTERPOL: (202) 532-4297
- INTERPOL 24-hour Command Center (IOCC): (202) 616-9000 ORR: (202) 401-5709
- LESC: (802) 872-6020
- LESC POC: Duty Officer
- National Criminal Analysis and Targeting Center POC: (b)(6)(b)(7)(C), (802) 657- (b)(6)(b)(7)(C)

AUTHORIZING OFFICIAL

Field Office Director

APPROVING OFFICIAL

(b)(6), (b)(7)(C)
(A) Assistant Director Enforcement

ATTACHMENTS:

- Attachment 1: Complete Target List-*submitted separately once finalized*
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ Requested Funds

DISTRIBUTION:

HQ NFOP
HQ NCATC
HQ Field Operations
FOD
DFOD
Fugitive Operations AFOD

AUTHORIZING OFFICIAL

(b)(6),(b)(7)(C)

Field Office Director

APPROVING OFFICIAL

(b)(6),(b)(7)(C)

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DISTRIBUTION:

HQ NFOP
HQ NCATC
HQ Field Operations
FOD
DFOD
Fugitive Operations AFOD

Date: August 3, 2016

ERO New York- Operation Cross Check August 8-12, 2016

ISSUE:

A local “Operation Cross Check”, scheduled to begin on August 8, 2016 and end on August 12, 2016 will consist of five days of enforcement activity executed throughout the ERO New York Area of Responsibility (AOR), with 180 priority aliens targeted. Approximately seven teams consisting of fifty officers will participate in this operation.

BACKGROUND:

Operation Cross Check is a nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.

The objective is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community. This aligns with Mission 3 of the DHS Fiscal Years 2014-2018 Strategic Plan, “Enforce and Administer Our Immigration Laws,” and the identified mission priority to strengthen and focus DHS interior enforcement activities.

Operational hours will be from 0600 to 2200 each day. Daily operations will be conducted throughout the ERO New York AOR, including New York City (Brooklyn, Bronx, Queens, New York, and Staten Island), Nassau County, Suffolk County, Westchester County, Orange County, Rockland County, Ulster County, Dutchess County, Sullivan County, and Putnam County.

ERO New York has identified and targeted approximately 180 aliens. The targets are comprised of aliens found within the three tier system of priorities for fugitive operations, which includes ICE fugitive aliens, previously removed aliens, and aliens amenable to removal proceedings due to their criminal convictions.

Priorities:

67 Priority 1(d): aliens convicted of an offense classified as a felony in the convicting jurisdiction, other than a state or local offense for which an essential element was the alien’s immigration status

66 Priority 1(e): aliens convicted of an “aggravated felony,” as that term is defined in section 101(a)(43) of the Immigration and Nationality Act at the time of the conviction

12 Priority 2(a): aliens convicted of three or more misdemeanor offenses, other than, minor traffic offenses or state or local offenses for which an essential element was the alien’s immigration status, provided the offenses arise out of three separate incidents

ERO New York – Operation Cross Check

Page 2 of 2

28 Priority 2(b): aliens convicted of a “significant misdemeanor,” which for these purposes is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or driving under the influence; or if not an offense listed above, one for which the individual was sentenced to time in custody of 90 days or more (the sentence must involve time to be served in custody, and does not include a suspended sentence)

1 Priority 3: aliens who have been issued a final order of removal on or after January 1, 2014

Case Status:

44 Final Orders

136 Not Final Orders (Notice To Appear and Re-Entry Cases)

Gender:

16 Females

164 Males

Country of Citizenship:

Trinidad, St. Lucia, Dominican Republic, Jamaica, Sierra Leone, Belize, St. Vincent, Guyana, Philippines, Ecuador, Jamaica, Mexico, Indonesia, China, Pakistan, Guinea, El Salvador, Guatemala, Colombia, India, United Kingdom, Poland, Spain, Romania, Georgia, Mali, Nigeria, Chile, Portugal, Ghana, Lebanon, Korea, Peru, Israel, Canada

Convictions:

Sexual Assault, Drugs, Robbery, Burglary, Kidnapping, Driving Under Influence, Assault, Cocaine Sell, Fraud, Marijuana Sell, Prostitution, Public Order Crimes, Forgery, Statutory Rape, Trespassing, Larceny, Arson, Alien Smuggling, Weapon Offenses

FUGITIVE OPERATIONS DAILY REPORT

CC OPERATION: FOD New York - August 2016

Day 5

DATE: 8/12/2016

Instructions:

(1) Enter number of Op Plan targets (not attempts) by Priority/Section

(2) Enter dates and arrests for each day of operation

(3) e-mail (daily) report to HQ Fug Ops mailbox by COB EST. Ensure report is labeled by field office, i.e. - BOS/DOR.xls (Boston Daily Operations Report)

DAILY ARRESTS

Please fill in the Day 1, Priority 1 date as it populates the dates on the Priority 2 & 3 charts

Priority 1		Total Targets	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5						TOTAL
Section	Dates:		8/8/16	8/9/16	8/10/16	8/11/16	8/12/16						
(a)	Individuals engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security.	0											0
(b)	Individuals apprehended at the border or ports of entry while attempting to unlawfully enter the United States.	0											0
(c)	Individuals convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or individuals not younger than 16 years of age who intentionally participated in an organized criminal gang to further the illegal activity of the gang.	0											0
(d)	Individuals <u>convicted</u> of an offense classified as a felony in the convicting jurisdiction, other than a state or local offense for which an essential element was the individual's immigration status.	70	5	4	1	8	3						21
(e)	Individuals <u>convicted</u> of an "aggravated felony," as that term is defined in section 101(a)(43) of the Immigration and Nationality Act, at the time of the conviction.	66	4	7	7	3	2						23
TOTAL		136	9	11	8	11	5						44

Priority 2		Total Targets	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5						TOTAL
Section	Dates:		8/8/16	8/9/16	8/10/16	8/11/16	8/12/16						
(a)	Individuals convicted of three or more misdemeanor offenses (other than minor traffic offenses or local or state offenses for which an essential element was the individual's immigration status) provided that the offenses arise out of three separate incidents	15		4		1	1						6

FUGITIVE OPERATIONS DAILY REPORT

CC OPERATION: FOD New York - August 2016				Day 5				DATE: 8/12/2016				
(b)	Individuals convicted of a significant misdemeanor, which means: An offense of domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence; or if not an offense listed above, one for which the individual was sentenced to time in custody of 90 days or more (the sentence must involve time to be served in custody and does not include a suspended sentence).	28		1	4	2	1					8
(c)	Individuals apprehended anywhere in the United States after unlawfully entering or re-entering the United States and who cannot establish to the satisfaction of an immigration officer that they have been physically present in the United States continuously since January 1, 2014.	0										0
(d)	Individuals who, in the judgment of an ICE Field Office Director, USCIS District Director, or USCIS Service Center Director, have significantly abused the visa or visa waiver programs.	0										0
TOTAL		43	0	5	4	3	2					14

Priority 3		Total Targets	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5						TOTAL
Section	Dates:		8/8/16	8/9/16	8/10/16	8/11/16	8/12/16						
N/A	Individuals who have been issued a final order of removal on or after January 1, 2014.	1											0
													0
													0
TOTAL		1	0	0	0	0	0						0

Priority 1 & 2	Totals	Total Targets	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5						TOTAL
Targets	179		8/8/16	8/9/16	8/10/16	8/11/16	8/12/16						
Arrests	58		9	16	12	14	7						58

Non-Priority Arrests			DAY 1	DAY 2	DAY 3	DAY 4	DAY 5						TOTAL
			8/8/16	8/9/16	8/10/16	8/11/16	8/12/16						
			0	0	0	0	0						0

PROVIDE INFORMATION FOR ARRESTS PRESENTED FOR PROSECUTION (REGARDLESS OF OUTCOME)

DATE	PRESENTED FOR PROSECUTION (Y/N):	ACCEPTED, DECLINED, PENDING?
8/12/2016	Yes - (b)(7)(C)	Accepted

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FUGITIVE OPERATIONS DAILY REPORT

CC OPERATION: FOD New York - August 2016		Day 5

DATE: 8/12/2016

From: (b)(6),(b)(7)(C)
Sent: 13 Jun 2018 17:57:05 +0000
To: (b)(6),(b)(7)(C)
Subject: FW: ICE Directive 11072.1, Civil Immigration Enforcement Actions Inside Courthouses

Here is the email pertaining to the directive received in January of 2018.

From: ICE Office of the Director
Sent: Tuesday, January 30, 2018 1:40 PM
Subject: ICE Directive 11072.1, Civil Immigration Enforcement Actions Inside Courthouses

A Message from Deputy Director and Senior Official Performing the Duties of the Director Thomas D. Homan

To All ICE Employees
January 30, 2018

ICE Directive 11072.1, *Civil Immigration Enforcement Actions Inside Courthouses*

U.S. Immigration and Customs Enforcement (ICE) law enforcement personnel put their lives on the line every day to protect our nation and secure its borders. The safety of the ICE workforce, those encountered during the course of their duties, and the public is paramount. That is why I directed the development of an ICE directive governing policies and procedures for civil immigration enforcement activities conducted inside federal, state, and local courthouses. As you know, actions taken inside courthouses can reduce safety risks to the public, targeted alien(s), and ICE officers and agents since individuals inside courthouses have already undergone security screening to search for weapons and contraband.

ICE Directive 11072.1, *Civil Immigration Enforcement Actions Inside Courthouses*, applies only to civil immigration enforcement actions and is consistent with current procedures for the planning, execution, documentation, and approval of such enforcement actions. Aliens subject to planned civil immigration enforcement action inside a courthouse include individuals with criminal convictions, gang members, national security or public safety threats, aliens ordered removed from the United States but have failed to depart, and aliens who have re-entered the country illegally after being removed. Other aliens encountered inside a courthouse, such as family members or witnesses to a proceeding, will not be subject to civil immigration enforcement action, absent special circumstances, such as where they pose a threat to public safety or interfere with ICE's enforcement action.

This Directive is available on the ICE Policy Manual located on [ICE inSight](#). This policy will be introduced to the public to give them a better understanding of the parameters under which ICE officers work.

Questions about the Directive can be directed to the ICE Office of Policy at ICEOfficeofPolicy@ice.dhs.gov.

Thanks for all that you do. Be vigilant, stay safe, and be proud.

Thomas D. Homan

Deputy Director and Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

From: (b)(6),(b)(7)(C)
Sent: 13 Jun 2018 17:51:16 +0000
To: (b)(6),(b)(7)(C)
Subject: FW: Reminder: Enforcement Actions at or Near Courthouses

Per our telephone conversation. This was a local email sent by our DFOD in October of 2015. It is not within the parameters originally requested.

From: (b)(6),(b)(7)(C)
Sent: Wednesday, October 21, 2015 2:45 PM
To: # ICE-ERONYOFF <ICE-ERONYOFF@ice.dhs.gov>
Subject: FW: Reminder: Enforcement Actions at or Near Courthouses

To All Officers, FNY

Please review and ensure your compliance with the guidance below. As noted, no enforcement actions should be initiated at or near courthouses with the exception of those involving Priority 1 Cases (DHS Civil Immigration Enforcement Priorities- Priority 1 (threats to national security, border security, and public safety) excluding Priority 1(b)).

In addition, our local New York Field Office policy requires that the Deputy Field Office Director and/or the Field Office Director be advised of, and approve, any such Priority 1 arrests at or near a courthouse in advance of the operation.

Thanks,

(b)(6)
(b)(7)(C)

(b)(6),(b)(7)(C)

Deputy Field Office Director
Enforcement and Removal Operations
U.S. Immigration & Customs Enforcement
New York Field Office
212-238-(b)(6),(b)(7)(C)
646-418-(b)(6),(b)(7)(C)

From: ERO Taskings
Sent: Wednesday, October 21, 2015 11:04 AM
Subject: Reminder: Enforcement Actions at or Near Courthouses

This message is sent on behalf of Jon Gurule, Assistant Director for Field Operations:

To: Field Office Directors and Deputy Field Office Directors
Subject: Reminder: Enforcement Actions at or Near Courthouses

This message serves as a reminder for important guidance concerning ERO enforcement actions at courthouses. **Please ensure immediate distribution to all ERO officers within your AOR.**

- Enforcement actions at or near courthouses will only be undertaken against:
 - Priority #1(a): aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;
 - Priority #1(c): aliens convicted of an offense for which an element was active participation in a criminal street gang, as defined in the November 20, 2014 Johnson memorandum;
 - Priority #1(d): aliens convicted of an offense classified as a felony in the convicting jurisdiction, other than a state or local offense for which an essential element was the alien's immigration history;
 - Priority #1(e): aliens convicted of an "aggravated felon," as that term is defined in section 101(a)(43) of the *Immigration and Nationality Act* at the time of the conviction.
- Enforcement actions at or near courthouses will only take place against specific, targeted aliens, rather than individuals who may be "collaterally" present, such as family members or friends who may accompany the target alien to court appearances or functions.
- Enforcement actions at or near courthouses will, wherever practicable: (1) take place outside public areas of the courthouse; (2) be conducted in collaboration with court security staff; and (3) utilize the court building's non-public entrances and exits.

Questions regarding this guidance may be directed to the Field Operations Staff Officer assigned to your AOR.

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message from your system.



**U.S. Immigration
and Customs
Enforcement**

May 9, 2017

MEMORANDUM FOR: HSI New York Personnel

FROM: Angel M. Melendez
Special Agent in Charge, New York

SUBJECT: HSI New York Policy on Administrative Immigration
Enforcement Actions at or Near New York State Courthouses

This message memorializes a policy, effective today, regarding administrative immigration enforcement actions performed by Homeland Security Investigations New York (HSI NY) special agents at or near a New York State (NYS) courthouse. This policy applies only when HSI NY agents are conducting an immigration enforcement action at or near a NYS courthouse, i.e., effectuating an administrative arrest under Title 8 of the United States Code.

Whenever an HSI NY agent will conduct an administrative immigration enforcement action at or near a NYS courthouse, the following conditions apply:

- The subject of such action must be a) a removable alien who is considered an enforcement priority under the guidelines and policies in effect at the time of such action; or b) a removable alien who under HSI NY's determination, poses a danger or threat to the community.
- Before taking such action, HSI NY agents must prepare an enforcement operation plan and receive the concurrence of the appropriate Group Supervisor (GS) and Assistant Special Agent in Charge (ASAC). Then, the ASAC must refer the enforcement operation plan to the Deputy Special Agent in Charge (DSAC) for concurrence. Finally, the appropriate DSAC will notify the Special Agent in Charge (SAC) of the same.
- Such action will target only specific subjects. Enforcement actions will not target individuals who may be "collaterally" present, such as family members or friends who may accompany the target alien to court appearances or functions.
- Such action will take place, if practicable, (1) outside public areas of the courthouse; (2) in collaboration with court security staff; and/or (3) using the court building's non-public entrances and exits.

This policy does **not** change or affect the following circumstances:

HSI New York Policy on Administrative Immigration Enforcement Actions at or Near New York State Courthouses

Page 2

- When HSI NY executes its **criminal** arrest authority in its area of responsibility (AOR) at or near any Federal or NYS courthouse;
- When HSI NY conducts immigration enforcement actions in its AOR at or near **Federal** courthouses, including but not limited to the U.S. District Court for the Eastern District of New York (EDNY), Southern District of New York (SDNY), and the U.S. Second Circuit Court of Appeals (Second Circuit).

Questions regarding this guidance may be directed to the appropriate ASAC. This policy is an internal HSI NY policy and does not create or confer any right or benefit on any other person or party, private or public.



U.S. Immigration
and Customs
Enforcement

March 12, 2018

MEMORANDUM FOR: HSI New York Personnel

FROM: Angel M. Melendez
Special Agent in Charge, New York

SUBJECT: Approval and Notification Requirements for
Enforcement Actions Inside or Near Courthouses

This memorandum, effective immediately, sets forth approval and notification requirements for enforcement actions by Homeland Security Investigations, New York Field Office ("HSI NY") that are planned inside or near courthouses in HSI NY's area of responsibility. The HSI NY policy issued on May 9, 2017, entitled *Administrative Immigration Enforcement Actions At or Near New York State Courthouses*, is hereby rescinded, effective immediately.

This memorandum applies to any enforcement action by HSI NY – criminal, civil, or immigration – that is planned inside or near any courthouse – federal, state or local – in HSI NY's area of responsibility. This memorandum does not alter or affect the requirements set forth in the attached ICE Directive Number 11072.1, *Civil Immigration Enforcement Actions Inside Courthouses*, issued on January 10, 2018.

Any enforcement action planned inside or near a courthouse must be documented in an Enforcement Operation Plan ("EOP"). Before any enforcement action is taken, the EOP must receive the approval of the appropriate Group Supervisor ("GS") and Assistant Special Agent in Charge ("ASAC"). Then, the ASAC must refer the EOP to the Deputy Special Agent in Charge ("DSAC") for approval and must notify the Public Affairs Officer ("PAO") of the EOP. In turn, the DSAC must notify the Special Agent in Charge ("SAC") of the EOP prior to its execution.

Whether the SAC's approval of the EOP will also be required will depend on whether the enforcement action is civil or criminal in nature, and whether the EOP will be executed in a civil or a criminal court setting:

HSI New York Memorandum: Approval and Notification Requirements for Enforcement Actions Inside or Near Courthouses

Page 2

	<u>Criminal</u> Courthouses (or Criminal Parts of Courthouses)	<u>Civil</u> Courthouses (or Civil Parts of Courthouses) e.g., Family Court, Surrogate's Court
<u>Civil</u> Immigration Enforcement Actions <i>Including but not limited to:</i> Arrests for removal proceedings, execution of removal orders, reinstatements of removal, visa waiver removals.	SAC notification.	SAC <u>approval</u> . Moreover, any EOP governed by ICE Directive No. 11072.1 must comply with that Directive, which is attached to this memorandum.
<u>Criminal</u> Enforcement Actions <i>Including but not limited to:</i> Arrests for federal, state and local criminal offenses, as well as for criminal immigration offenses, such as illegal reentry and alien smuggling / harboring.	Criminal SAC notification.	Civil Courthouses SAC <u>approval</u> .

Questions regarding this guidance may be directed to the appropriate ASAC. SAC approval.

This memorandum does not prohibit or discourage enforcement actions inside or near courthouses. This memorandum is only an internal HSI NY memorandum, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of HSI NY, ICE or DHS.

Attachment (1) ICE Directive Number 11072.1, *Civil Immigration Enforcement Actions Inside Courthouses*, issued on January 10, 2018.

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